

COMMITTEE ON PLANNING & DEVELOPMENT
(Standing Committee of Berkeley County Council)

Chairman: Mrs. Judith K. Spooner, District No. 2

The COMMITTEE ON PLANNING & DEVELOPMENT met on Monday, July 8, 2002, Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at 6:02 p. m.

PRESENT: Mrs. Judith K. Spooner, Councilmember District No. 2, Chairman; Mr. Milton Farley, Councilmember District No. 1; Mr. William E. Crosby, Councilmember District No. 3; Mr. Charles E. Davis, Councilmember District No. 4; Mrs. Judy C. Mims, Councilmember District No. 6; Mr. Caldwell Pinckney, Jr., Councilmember District No. 7; Mr. Henry L. Richardson, Jr., Councilmember District No. 8; Mr. James H. Rozier, Jr., Supervisor, Jr., ex officio; Ms. Nicole Scott Ewing, Deputy County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Mr. Steve M. Vaughn, Councilmember District No. 5, was excused from this Committee Meeting.

The requirements of the Freedom of Information Act have been complied with by posting the time, date, place and copy of Agenda of this Committee meeting of Berkeley County Council at the entrance to the Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, and a copy of such notice was mailed to all Councilmembers, the media, and other interested citizens.

Chairman Spooner called the meeting to order and gave the invocation; Councilmember Crosby led in the Pledge of Allegiance to the Flag of the United States of America.

Chairman Spooner asked Council's pleasure on the Approval of Minutes for June 17, 2002.

It was moved by Councilmember Crosby and seconded by Councilmember Farley to approve the minutes as presented. The motion passed by unanimous voice vote of the Committee.

The next item on the agenda was in reference to Update on adoption of the International Standards Code by Robert Metts, Administrative Director.

Supervisor Rozier stated Mr. Metts was not present but this matter dealt with the International Building Codes and Berkeley County was the last in the State to adopt the code. He explained it is more expensive to operate under this code and we delayed until the end of the period to act on this mandatory adoption.

"AN ORDINANCE TO AMEND ORDINANCE NO. 99-7-41 AND TO ADOPT THE MOST RECENT VERSION OF VARIOUS INTERNATIONAL CODES RELATING TO BUILDING, RESIDENTIAL, GAS, PLUMBING, MECHANICAL, AND FIRE STANDARDS."

Chairman Spooner stated this Ordinance would be sent to Council for First Reading by title only.

The next item was Review prior to Third Reading of Bill No. 02-09, an Ordinance to amend and clarify certain sections of Ordinance No. 01-8-35, adopted August 27, 2001, Zoning and Development Standards Ordinance, - "Berkeley County Zoning Ordinance" and to repeal in its entirety Ordinance No. 99-4-19.

It was moved by Councilmember Crosby and seconded by Councilmember Farley to send Bill No. 02-09 to the Planning Commission for review.

Main Motion

Ms. Madelyn Robinson of Planning and Zoning stated there were a couple of issues that needed to be further clarified and she addressed those amendments as follows:

Article 2: Definitions

Add -

Single-family Detached. Only one dwelling unit, other than a manufactured housing unit as defined by this article, which is not attached to any other dwelling units.

Article 4: Use Table

Modify -

RECREATION USES:

Commercial, Outdoor Recreation Use Definition

"Establishments engaged in providing Outdoor entertainment for a fee including fairgrounds, outdoor stadiums, ~~racing~~ go-cart facilities, amusement parks, water slides, batting cages, zoos, and botanical gardens.

RESIDENTIAL USES:

Single-family Detached Use Definition

"This definition does not include manufactured housing units or portable residential dwellings, such as recreational vehicles, that fail to meet adopted building codes and/or are not tied into required public or private utilities."

Article 7. 1: Rural and Neighborhood Commercial District

Add -

7. 1. 10 Minimum Yard Requirements

D. Accessory Structure Setbacks

1. Front Setback: 10 feet minimum
2. Side Setback: 5 feet minimum
3. Rear Setback: 5 feet minimum

Article 7.2: General Commercial District

Ms. Robinson stated this came up recently, which was to modify the conditional use part of 7.2.5 Section A. Commercial Uses, 1. Commercial, Bar and

Add – and/or Liquor Store.

Councilmember Crosby asked why was this added?

Ms. Robinson stated there are conditions for a commercial bar with regard to setbacks from schools, churches and a couple of other uses. The concern was that they should also extend to liquor stores.

Ms. Robinson continued:

Article 7.2. 10 Minimum Yard Requirements

D. Accessory Structure Setbacks

1. Front-Setback: 10-feet minimum
2. Side Setback: 5 feet minimum
3. Rear Setback: 5 feet minimum

Article 7.4: Light Industrial District

Modify –

7.4.5 Uses Permitted With Conditions

D. Storage Uses:

2. Outdoor Storage (Primary Use)

Ms. Robinson stated they would like to add another option regarding fencing, where it says, "the continuous screen shall be wood, brick, of masonry or chain link with opaque slats" and change the maximum height from 8 to 12 feet.

- a. Screening: "Open storage shall be enclosed by a continuous visual screen provided and maintained as well as buffering requirements found in Article 17.

Supervisor Rozier asked could a clause be inserted to deal with the maintenance of the opaque slats and wood fences?

Ms. Robinson stated that if it were not already incorporated into the ordinance they would put that language in.

Ms. Robinson stated Article 7.5: Heavy Industrial District is a repeat. Regarding the screening of Outdoor Storage they would like to add the language "or chain link with opaque slats and change the height from eight (8) feet to 12 feet.

Article 11: Use Conditions

Modify -

11.4.2 Commercial Bar and/or Liquor Store

Ms. Robinson stated they are making sure that in every place in the Ordinance that this use condition comes up with regard to setbacks to commercial bar and/or liquor store is fully covered.

Article 19: General Provisions

Modify -

19.4 Amortization Schedule of Compliance for Outdoor Storage; Screening of All Outdoor Storage Uses

- A. "Open storage shall be enclosed by a continuous visual screen provided and maintained as well as buffering requirements found in Article 17.

Modify Section 19.5 Nonconforming Land Uses and Lots

1. Changed to another nonconforming use.
2. Re-established after discontinuance, for one year, or re-established after discontinuance for two years if the land had been used for agricultural crop growing purposes.

Ms. Robinson stated the recommendation is to fully delete sub item #3, ~~which says, Repaired, rebuilt or altered after damage exceeding fifty (50%) percent of its replacement cost at~~

~~the time of destruction. Where damage does not exceed fifty (50%) percent of replacement cost, reconstruction must begin within six (6) months after the damage is incurred. The provisions of this subsection shall not apply to any bona fide residence, excluding manufactured homes located in the R-1 (Single Family Residential) and the R-1R (Rural Single Family Residential) zoning districts.~~

Chairman Spooner stated the Committee had talked about the problem as some saw with replacing a dwelling due to fire. She felt that if they had zoned it R-1 and if that situation were to arise then it would be R-1. Not that they could continue to use it forever as “nonconforming”; and by striking #3, it allows this.

Chairman Spooner stated that Mr. LeaMond had information on where the mobile homes were that would fit into these categories.

Mr. LeaMond stated he had been asked to find out the districts these pertained to and they are as follows: Districts 1 & 2 had no properties that were nonconforming because of the Manufactured homes; there were forty-two (42) properties in District 3; sixty-eight (68) in District 4; five (5) in District 5; twenty-three (23) in District 6; eight (8) in District 7; and fourteen (14) in District 8. There were 160 properties totaled, which are in R-1 or R-1R. There are a total of 233 units; eight (8) are in R-1R; and 225 in R-1, which represents approximately one percent of the manufactured homes in Berkeley County.

Chairman Spooner asked were any of those lots included that were adjacent to R-1 properties? Mr. LeaMond stated there were three lots in Councilmember Richardson’s district that were zoned R-1R, and two out of the three lots had one or more manufactured homes.

Mr. LeaMond stated there had been a question about temporary sizes; so, he consulted a couple of the dealers and the Manufactured Housing Association. He stated the smallest singlewide manufactured home is 14 X 40; the smallest doublewide is 28 X 40. There is not a lot of difference from some of the smaller units in the past. When he spoke with the gentleman at MHISC, they thought of language that would allow the closest in size to those commercially available. Actually, some of the older models are larger than what is the smallest now.

Councilmember Crosby stated there are 160 properties that may require something different as a replacement and the owners probably won’t be able to afford it. He stated he doesn’t believe in forcing someone out of their home.

Chairman Spooner asked would they consider language that would allow them to replace a manufactured home with one that is close to the size of the one that was there?

Councilmember Crosby asked wouldn’t they want them to improve from what they had?

Chairman Spooner stated that if #3 is struck, they could replace it with anything. Mr. LeaMond stated the argument could be “well this is the only size I can find.” However, we know there are other sizes available than 80 X 14.

Ms. Robinson continued that the Ordinance had been amended to correct and they are re-correcting the current Zoning Ordinance with the following changes:

Article 23: Unclean Lots or Land, Unfit Structures, Junked Automobiles

Correct (per Ordinance No. 99-11-69 amending Ordinance No. 99-14-19) - 23.5.6 Costs

The amount of the cost of such repairs, alterations or improvements, ~~vacating and closing~~ or removal of demolition by the public officer shall be a lien against the real property upon which such cost was incurred and shall be collectible in the same manner as county taxes.

STORAGE CONTAINERS AS ACCESSORY STRUCTURES -

Article 2

2.3 Definitions

2.3.5 Accessory Structure. An incidental and subordinate structure that is customarily associated with the principal structure of a lot. Unless otherwise stated within the district, the size of an accessory structure shall not exceed 50% of the principal use.

Chairman Spooner stated that she saw a picture of containers stacked five high in the newspaper; so, it is a problem. These containers are empty, could become missiles, and could be very dangerous to the residents of the low country. She referenced the paragraph on Page 5, "CONTAINER YARDS (Discussion) that says, Provide restrictions on parcel size regarding the allowable use of container yards under the use definition of "Transportation" (storage/transport containers). The minimum lot size allowable under the LI classification is 2 acres. The minimum lot size allowable under the HI classification is 5 acres.

Chairman Spooner stated that normally Heavy Industrial has larger tracts of land but the two and five acres go along with the fact that those are the minimum amounts of acreage required for Light and Heavy Industrial. The next paragraph says, "There has been discussion to change this permitted use to a conditional use (which would give the Planning Commission some latitude) requiring at least a minimum of 5 acres per parcel in order to utilize the land for a container yard. Staff's recommendation is to require the same minimum acreage as the zoning classification (2 and 5 respectively) or 5 acres in both zoning classifications."

Chairman Spooner stated these are considered as outdoor storage and it does not allow for items to be stacked higher than the fence; a fence up to 12- ft is proposed. If there were a 12- ft. fence, containers cannot be stacked together even if they were in a storage area.

Supervisor Rozier stated North Charleston has a lot of discussion going on about what they would do with containers and the last thing he wants is for them to make a decision to do something drastic with containers and all of them move to Berkeley County.

Ms. Robinson continued with the use of storage containers as accessory structures. Under Article 2, they would like to add a definition for Storage/transport containers as defined by this article may be used as accessory structures with restrictions as specified within the allowable districts. Also, the definition, a container that is a fully enclosed securable unit with the primary use being a transportation-shipping container for airfreight, seaward, and landward freight forwarding. The three definitions they discussed allowing storage containers to be used as accessory structures were in the Agricultural District, Article 6. If it goes forward they would allow it as an accessory use stating, Storage/transport containers may be used as accessory storage uses within this classification with restrictions as defined below in sub item A. Agricultural, 2. Agricultural Storage. Ms. Robinson stated she has noted two options: 1) the parcel has to be at least one acre in size and is limited to one container. The container must adhere to all necessary zoning and building codes. 2) Limit the parcel size to a minimum of five acres with a maximum of three units and the container must adhere to all necessary zoning and building codes.

Supervisor Rozier stated he didn't have a problem with combining the two options; one container on 1 acre and up to three containers on 5 acres if they meet the building codes and are tied down.

It was moved by Councilmember Crosby and seconded by Councilmember Mims to combine the two options of one container to an acre and up to three on five acres or more. The motion passed by unanimous voice vote of the Committee.

Ms. Robinson stated Article 7 is the second Zoning Classification that the containers would be used as accessory uses for the Light Industrial District. Storage/transport containers may be used as accessory storage uses within this classification with restrictions as defined: 1) Business Storage; (Storage/transport containers may be permitted by the County for the storage of agricultural, industrial and business supplies, products and/or machinery. Storage/transport containers are limited to those parcels in size of 2 acres or more. The container must adhere to all necessary zoning and building codes.

Ms. Robinson referenced Article 7, 7.5; Heavy Industrial District is the third Zoning Classification under business storage (indoor storage). She stated it was the same language as above but is limited to those parcels in size of five acres or more.

Chairman Spooner asked was buffering required with this? Ms. Robinson stated buffering is required. Those properties that are legal nonconforming uses have an amortization schedule they must follow and be completely fenced. They are not required to come back in and put buffers, just fences. All new properties are required to be fenced and buffered.

Councilmember Crosby asked how were the storage containers at Wal-Mart handled? Ms. Robinson stated it is a seasonal issue and a neighboring county addressed that as well. Most of the places they looked at fall within municipal limits; however, it doesn't mean they won't ever fall within the county's jurisdiction. They may want to add that, any type of seasonal use of these containers must be registered or may be permitted.

Councilmember Crosby made reference to a place in Goose Creek that is a bar and a container is stored on commercial land. How would that be handled?

Ms. Robinson stated they are proposing that they only be allowed in Flex-1, Light and Heavy Industrial. Councilmember Crosby stated this place is in the County and Codes Enforcement needs to be notified.

Chairman Spooner suggested they incorporate language for seasonal use. Wal-Mart uses the containers for layaways.

Councilmember Richardson stated companies have seasons for everything.

Ms. Robinson stated that if a seasonal permit is provided it could be limited for 30 or 60 days.

Councilmember Richardson stated it could be seasonal all year depending on how you look at it. They could say Christmas, Easter, Mother's Day, etc.

Supervisor Rozier stated they could look at some examples to see how they use it and make a determination.

Ms. Robinson stated not many are addressing this issue, but the permit could be limited to twice a year, which would be of the merchant's choosing.

Councilmember Crosby asked what kind of ordinance do the Municipalities have? Ms. Robinson stated, as she understands they don't have anything. She stated the City of North Charleston prohibits them period except during Christmas. However, they must come in to register for the number of days and they must be gone after that period.

Councilmember Davis asked about the fireworks stands that are housed in a container? Supervisor Rozier stated it doesn't have to belong to the property owner but the vendor must have them tied down properly. Ms. Robinson stated that if the vendor is permitted he would be subject to building codes and inspection.

The motion on the vote to send Bill No. 02-09 as amended to the Planning Commission for review prior to Third Reading passed by unanimous voice vote of the Committee.

It was moved by Councilmember Crosby and seconded by Councilmember Richardson to adjourn. The motion passed by unanimous voice vote of the Committee.

The Meeting adjourned at 6:38 p.m.

August 19, 2002
Date Approved

**COMMITTEE ON PLANNING AND DEVELOPMENT
(Standing Committee of Berkeley County Council)**

Chairman: Mrs. Judith K. Spooner, District No. 2

Members: Mr. Milton Farley, District No. 1
Mr. William E. Crosby, District No. 3
Mr. Charles E. Davis, District No. 4
Mr. Steve M. Vaughn, District No. 5
Mrs. Judy C. Mims, District No. 6
Mr. Caldwell Pinckney, Jr., District 7
Mr. Henry L. Richardson, Jr., District No. 8
Mr. James H. Rozier, Jr., Supervisor, ex officio

A meeting of the COMMITTEE ON PLANNING AND DEVELOPMENT, Standing Committee of Berkeley County Council, will be held on Monday July 8, 2002, in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, at 6:00 p.m.

AGENDA

APPROVAL OF MINUTES

June 17, 2002

- A. Robert Metts, Administrative Director: Re: Update on adoption of International Standards Code.
- B. Review prior to Third Reading of Bill No. 02-09, an Ordinance to amend and clarify certain sections of Ordinance No. 01-8-35, adopted August 27, 2001, Zoning and Development Standards Ordinance, – “Berkeley County Zoning Ordinance” and to repeal in its entirety Ordinance No. 99-4-19.
(Held in committee on April 15, 2002, and May 13, 2002)

July 3, 2002
S/Barbara B. Austin
Clerk of County Council